

Senate

General Assembly

File No. 11

January Session, 2001

Substitute Senate Bill No. 731

Senate, February 28, 2001

The Committee on Government Administration and Elections reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING GOVERNMENT PERFORMANCE MEASUREMENT AND INTERAGENCY COORDINATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) The Secretary of the Office of Policy and
- 2 Management shall establish a program for the purpose of measuring
- 3 the performance of all budgeted state agencies. The secretary shall: (1)
- 4 Assure that each budgeted state agency develops biennially a strategic
- 5 business plan that (A) identifies the relevant benchmarks defined by
- 6 the Connecticut Progress Council pursuant to section 4-67r of the
- 7 general statutes, and (B) includes goals, objectives and performance
- 8 measures for each program, service and state grant administered or
- 9 provided by the agency; (2) assure that the goals, objectives and
- 10 performance measures included in each budgeted state agency's
- 11 strategic business plan address performance information needs
- 12 identified by the joint standing committees of the General Assembly
- 13 having cognizance of matters relating to appropriations and

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14 government administration, and the joint standing committee having cognizance of matters relating to the agency; (3) assure that each budgeted state agency collects data on the performance measures and benchmarks included in the agency's strategic business plan; (4) assure that an annual report is prepared by each budgeted state agency on the 19 programs, services and state grants administered or provided by the 20 agency based on an analysis of the benchmark and performance measurement data included in the agency's strategic business plan 22 and, beginning September 1, 2003, and annually thereafter, assure that 23 such report is submitted to the Legislative Program Review and 24 Investigations Committee and the joint standing committee of the General Assembly having cognizance of matters relating government administration; and (5) assure that the Legislative Program Review and Investigations Committee and the joint standing committees of the General Assembly having cognizance of matters 29 relating to appropriations and government administration, and the 30 joint standing committee having cognizance of matters relating to the agency have access to the benchmark and performance measurement 32 data.

- 33 Sec. 2. Subsection (a) of section 2-53g of the general statutes is 34 repealed and the following is substituted in lieu thereof:
 - (a) The Legislative Program Review and Investigations Committee shall: (1) Direct its staff and other legislative staff available to the committee to conduct program reviews and investigations to assist the General Assembly in the proper discharge of its duties; (2) establish policies and procedures regarding the printing, reproduction and distribution of its reports; (3) review staff reports submitted to the committee and, when necessary, confer with representatives of the state departments and agencies reviewed in order to obtain full and complete information in regard to programs, other activities and operations of the state, and may request and shall be given access to and copies of, by all public officers, departments, agencies and

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authorities of the state and its political subdivisions, such public records, data and other information and given such assistance as the committee determines it needs to fulfill its duties. Any statutory requirements of confidentiality regarding such records, data and other information, including penalties for violating such requirements, shall apply to the committee, its staff and its other authorized representatives in the same manner and to the same extent as such requirements and penalties apply to any public officer, department, agency or authority of the state or its political subdivisions. The committee shall act on staff reports and recommend in its report, or propose, in the form of a raised committee bill, such legislation as may be necessary to modify current operations and agency practices; (4) consider and act on requests by legislators, legislative committees, elected officials of state government and state department and agency heads for program reviews. The request shall be submitted in writing to the Program Review and Investigations Committee and shall state reasons to support the request. The decision of the committee to grant or deny such a request shall be final; (5) conduct investigations requested by joint resolution of the General Assembly, or, when the General Assembly is not in session, (A) requested by a joint standing committee of the General Assembly or initiated by a majority vote of the Program Review and Investigations Committee and approved by the Joint Committee on Legislative Management, or (B) requested by the Joint Standing Committee on Legislative Management. In the event two or more investigations are requested, the order of priority shall be determined by the Legislative Program Review and Investigations Committee; (6) retain, within available appropriations, the services of consultants, technical assistants, research and other personnel necessary to assist in the conduct of program reviews and investigations; (7) originate, and report to the General Assembly, any bill it deems necessary concerning a program, department or other matter under review or investigation by the committee, in the same manner as is prescribed by rule for joint standing committees of the

General Assembly; [and] (8) review audit reports after issuance by the Auditors of Public Accounts, evaluate and sponsor new or revised legislation based on audit findings, provide means to determine compliance with audit recommendations and receive facts concerning any unauthorized, illegal, irregular or unsafe handling or expenditures of state funds under the provisions of section 2-90; (9) analyze and comment on the annual reports submitted to the committee pursuant to section 1 of this act; (10) analyze and comment on the performance and benchmark data obtained pursuant to section 1 of this act; and (11) beginning January 1, 2004, and annually thereafter, distribute reports and data submitted by the Secretary of the Office of Policy and Management with the committee's comments on the reports and data to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and government administration, and the joint standing committee having cognizance of matters relating to the agency.

Sec. 3. (NEW) Whenever the Auditors of Public Accounts conduct an audit pursuant to section 2-90 of the general statutes, the auditors shall determine if: (1) The strategic business plan required under section 1 of this act is current; (2) the strategic business plan required under section 1 of this act contains all the required elements; (3) the data pertaining to the performance measures and benchmarks required by section 1 of this act are being collected; and (4) the data being collected is reliable and valid.

Sec. 4. Not later than one hundred eighty days after the effective date of this section, the Secretary of the Office of Policy and Management shall establish a schedule whereby each budgeted state agency shall biennially develop a strategic business plan pursuant to section 1 of this act. The schedule established by the Secretary of the Office of Policy and Management shall require at least twenty per cent of the budgeted state agencies to develop such a plan by July 1, 2003, and shall require that not later than July 1, 2006, all budgeted state

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- agencies are biennially developing such strategic business plans.
- 112 Sec. 5. (NEW) (a) The Secretary of the Office of Policy and
- 113 Management shall (1) study the coordination of planning and program
- activities among executive branch agencies and related performance
- 115 measurements, (2) study how to improve such interagency
- 116 coordination and performance measurements, and (3) establish and
- 117 implement a plan to improve such interagency coordination and
- 118 performance measurements.
- (b) Not later than January 1, 2002, and biennially thereafter, the
- secretary shall submit a report on the study and the plan to the joint
- 121 standing committee of the General Assembly having cognizance of
- 122 matters relating to government administration. The report shall
- describe: (1) The existing areas of interagency coordination and related
- 124 performance measures; (2) ways to improve such interagency
- 125 coordination and performance measurements; (3) the plan established
- pursuant to subdivision (3) of subsection (a) of this section to improve
- 127 interagency coordination and performance measurements; (4) the
- progress, if any, made in implementing the plan; (5) the procedure for
- 129 completing the implementation of the plan, and (6) the procedure for
- 130 measuring interagency coordination.
- 131 Sec. 6. Section 17a-2 of the general statutes is repealed and the
- following is substituted in lieu thereof:
- 133 (a) There shall be a Department of Children and Families which
- 134 shall be a single budgeted agency consisting of the institutions,
- facilities programs now existing within the department, any programs
- 136 and facilities transferred to the department, and such other
- institutions, facilities and programs as may hereafter be established by
- or transferred to the department by the General Assembly.
- (b) Said department shall constitute a successor department to the
- 140 Department of Children and Youth Services, for the purposes of

sections [2c-2b,] 4-5, 4-38c, 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-

- 142 259, 7-127c, 8-206d, 10-8a, 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-
- 143 76g, 10-94g, 10-253, 17-86a, 17-294, 17-409, 17-437, 17-572, 17-578, 17-
- 144 579, 17-585, 17a-1 to 17a-89, inclusive, 17a-90 to 17a-209, inclusive, 17a-
- 145 218, 17a-277, 17a-450, 17a-458, 17a-463, 17a-474, 17a-560, 17a-511, 17a-
- 146 634, 17a-646, 17a-659, 18-69, 18-69a, 18-87, 19a-78, 19a-125, 19a-216, 20-
- 147 14i, 20-14j, 31-23, 31-306a, 38a-514, 45a-591 to 45a-705, inclusive, 45a-
- 148 706 to 45a-770, inclusive, 46a-28, 46a-126, 46b-15 to 46b-19, inclusive,
- 149 46b-120 to 46b-159, inclusive, 54-56d, 54-142k, 54-199, 54-203 and in
- accordance with the provisions of sections 4-38d and 4-39.
- 151 (c) Whenever the words "Commissioner of Children and Youth
- 152 Services", "Department of Children and Youth Services", or "Council
- on Children and Youth Services" are used in sections [2c-2b,] 4-5, 4-38c,
- 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-259, 7-127c, 8-206d, 10-8a,
- 155 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-94g, 10-253, 17-86a, 17-294,
- 156 17-409, 17-437, 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive,
- 157 17a-90 to 17a-209, inclusive, 17a-218, 17a-277, 17a-450, 17a-458, 17a-463,
- 158 17a-474, 17a-511, 17a-634, 17a-646, 17a-659, 18-69, 18-69a, 18-87, 19a-78,
- 159 19a-125, 19a-216, 20-14i, 20-14j, 31-23, 31-306a, 38a-514, 45a-591 to 45a-
- 160 705, inclusive, 45a-706 to 45a-770, inclusive, 46a-28, 46a-126, 46b-15 to
- 161 46b-19, inclusive, 46b-120 to 46b-159, inclusive, 54-56d, 54-142k, 54-199,
- 162 54-203, the words "Commissioner of Children and Families",
- 163 "Department of Children and Families", and "Council on Children and
- 164 Families" shall be substituted respectively in lieu thereof.
- Sec. 7. Section 17a-247a of the general statutes is repealed and the
- 166 following is substituted in lieu thereof:
- 167 As used in sections 17a-247b to 17a-247e, inclusive: [, and
- subdivision (31) of subsection (a) of section 2c-2b:
- (1) "Abuse" means the wilful infliction by an employee of physical
- pain or injury or the wilful deprivation of services necessary to the

- 171 physical and mental health and safety of a department client.
- 172 (2) "Authorized agency" means any agency authorized in
- 173 accordance with the general statutes to conduct abuse and neglect
- investigations and responsible for issuing or carrying out protective
- services for persons with mental retardation.
- 176 (3) "Commissioner" means the Commissioner of Mental Retardation.
- 177 (4) "Department" means the Department of Mental Retardation.
- 178 (5) "Department client" means a person who is eligible for, and
- 179 receives services or funding from, the department.
- 180 (6) "Employee" means any individual employed (A) by the
- department, or (B) by an agency, organization or individual that is
- licensed or funded by the department.
- 183 (7) "Employer" means (A) the department, or (B) an agency,
- 184 organization or individual that is licensed or funded by the
- 185 department.
- 186 (8) "Neglect" means the failure by an employee, through action or
- inaction, to provide a department client with the services necessary to
- maintain such client's physical and mental health and safety.
- 189 (9) "Protective services" has the same meaning as provided in
- 190 section 46a-11a.
- 191 (10) "Registry" means a centralized data base containing information
- 192 regarding substantiated abuse or neglect.
- 193 (11) "Substantiated abuse or neglect" means a determination by an
- 194 authorized agency, following an investigation conducted or monitored
- by such agency, that (A) abuse or neglect of a department client has
- 196 occurred, or (B) there has been a criminal conviction of a felony or
- 197 misdemeanor involving abuse or neglect.

198 Sec. 8. Subsection (a) of section 17a-450a of the general statutes is 199 repealed and the following is substituted in lieu thereof:

- 200 (a) The Department of Mental Health and Addiction Services shall 201 constitute a successor department to the Department of Mental Health. 202 Whenever the words "Commissioner of Mental Health" are used or 203 referred to in the following general statutes, the words "Commissioner 204 of Mental Health and Addiction Services" shall be substituted in lieu 205 thereof and whenever the words "Department of Mental Health" are 206 used or referred to in the following general statutes, the words 207 "Department of Mental Health and Addiction Services" shall be 208 substituted in lieu thereof: [2c-2b,] 4-5, 4-38c, 4-60i, 4-77a, 4a-12, 4a-16, 209 5-142, 8-206d, 10-19, 10-71, 10-76d, 13b-38n, 17a-14, 17a-26, 17a-31, 17a-210 33, 17a-218, 17a-246, 17a-450, 17a-451, 17a-452, 17a-453, 17a-454, 17a-211 455, 17a-456, 17a-457, 17a-458, 17a-459, 17a-460, 17a-463, 17a-464, 17a-212 465, 17a-466, 17a-467, 17a-468, 17a-470, 17a-471, 17a-472, 17a-473, 17a-213 474, 17a-476, 17a-478, 17a-479, 17a-480, 17a-481, 17a-482, 17a-483, 17a-214 484, 17a-498, 17a-499, 17a-502, 17a-506, 17a-510, 17a-511, 17a-512, 17a-215 513, 17a-519, 17a-528, 17a-560, 17a-561, 17a-562, 17a-565, 17a-576, 17a-216 581, 17a-582, 17a-675, 17b-28, 17b-222, 17b-223, 17b-225, 17b-359, 17b-217 420, 17b-694, 19a-82, 19a-495, 19a-498, 19a-507a, 19a-507c, 19a-576, 19a-218 583, 20-14i, 20-14j, 21a-240, 21a-301, 22a-224, 27-122a, 31-222, 38a-514, 219 46a-28, 51-51o, 52-146h and 54-56d.
- Sec. 9. Subsection (b) of section 17a-456 of the general statutes is repealed and the following is substituted in lieu thereof:
- (b) Whenever the term "Board of Mental Health" is used or referred to in the following sections of the general statutes, the term "Board of Mental Health and Addiction Services" shall be substituted in lieu thereof: [2c-2b,] 17a-457, 17a-460, 17a-467, 17a-473, 17a-564.
- Sec. 10. Section 19a-13 of the general statutes is repealed and the following is substituted in lieu thereof:

As used in [subsection (a) of section 2c-2b,] this chapter and chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388, inclusive, 398 and 399 unless the context otherwise requires:

- (1) "Certificate" includes the whole or part of any Department of Public Health permit which the department is authorized by the general statutes to issue and which further: (A) Authorizes practice of the profession by certified persons but does not prohibit the practice of the profession by others, not certified; (B) prohibits a person from falsely representing that [he] the person is certified to practice the profession unless the person holds a certificate issued by the department; (C) requires as a condition to certification that a person submit specified credentials to the department which attest to qualifications to practice the profession;
- (2) "Emerging occupation or profession" means a group of health care providers whose actual or proposed duties, responsibilities and services include functions which are not presently regulated or licensed or which are presently performed within the scope of practice of an existing licensed or otherwise regulated health occupation or profession;
- (3) "License" includes the whole or part of any Department of Public Health permit, approval or similar form of permission required by the general statutes and which further requires: (A) Practice of the profession by licensed persons only; (B) that a person demonstrate competence to practice through an examination or other means and meet certain minimum standards; (C) enforcement of standards by the department or regulatory board or commission;
- (4) "Public member" means an elector of the state who has no substantial financial interest in, is not employed in or by, and is not professionally affiliated with, any industry, profession, occupation, trade or institution regulated or licensed by the board or commission

258 to which [he] the elector is appointed, and who has had no

- 259 professional affiliation with any such industry, profession, occupation,
- 260 trade or institution for three years preceding [his] the elector's
- appointment to the board or commission;
- 262 (5) "Registration" means the required entry upon a list maintained
- by the Department of Public Health of the name of a practitioner or the
- 264 address of a place where a practice or profession subject to the
- 265 provisions of [subsection (a) of section 2c-2b,] this chapter and
- 266 chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388,
- 267 inclusive, 398 and 399 may be engaged in;
- 268 (6) "Complaint" means a formal statement of charges issued by the
- 269 Department of Public Health.
- Sec. 11. Subdivision (4) of subsection (a) of section 19a-14 of the
- 271 general statutes is repealed and the following is substituted in lieu
- 272 thereof:
- 273 (4) Adopt, with the advice and assistance of the appropriate board
- or commission, and in accordance with chapter 54, any regulations
- 275 which are consistent with protecting the public health and safety and
- 276 which are necessary to implement the purposes of [subsection (a) of
- section 2c-2b,] this chapter [,] and chapters 368v, 369 to 375, inclusive,
- 278 378 to 381, inclusive, 383 to 388, inclusive, 398 and 399.
- Sec. 12. Sections 2c-1 to 2c-12, inclusive, of the general statutes are
- 280 repealed.
- Sec. 13. This act shall take effect July 1, 2001.

GAE JOINT FAVORABLE SUBST.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost

Affected Agencies: Office of Policy and Management, Auditors of

Public Accounts, Legislative Management, All

Budgeted State Agencies

Municipal Impact: None

Explanation

State Impact:

The bill could result in an annual cost of up to \$380,000 and one-time costs of up to \$1,219,000 (see the following Table). One-time costs would be incurred over the 2001 - 03 Biennium, while ongoing, personnel costs would increase incrementally as the number of budgeted state agencies required to submit biennial strategic business plans increases (FY 04 to FY 07). The bill establishes duties for the Office of Policy and Management (OPM), Auditors of Public Accounts (APA) and the Legislative Program Review and Investigations Committee (LPRIC), which relate to performance measurements and, in the case of OPM, interagency coordination of planning and program activities. The bill increases the workload for various state agencies that must comply with the performance measurement program.

Potential Cost to Implement the Bill			
	OPM	APA	Total
Positions	5	2	7
Personal Services	\$300,000	\$80,000	\$380,000
Equipment (one-time)	15,000	4,000	19,000
Consultant (one-time)	1,200,000		1,200,000
Total	1,515,000	84,000	1,599,000

Further Explanation

OPM

OPM could require additional resources to undertake the development of performance measurements, monitor agency compliance and conduct interagency coordination. It is estimated that up to five Management Analyst positions with a total annual cost of \$300,000 and \$15,000 for equipment (one-time) could be needed. The agency has indicated that it may also require consultant services at a cost of approximately \$1.2 million (one-time).

APA

The bill establishes duties for the Auditors of Public Accounts and the LPRIC regarding agency compliance with the performance measurement program. The Auditors of Public Accounts will have a cost associated with determining whether an agency's strategic business plan is current and complete. It is estimated that two Auditor 1 positions will be needed at a salary of \$40,000 each. Two computers will also be needed at a total cost of \$4,000 (one-time).

LPRIC

This bill eliminates the sunset laws. Currently, there are 81 licensing, regulatory, and other state agencies and programs subject to the sunset laws that will terminate on set dates unless reestablished by

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the General Assembly after the LPRIC conducts a performance audit of each entity. This bill also targets the LPRIC for additional analysis and reporting requirements pertaining to performance measurements of state agencies. As the sunset laws termination dates have continued to be delayed over the years, elimination of this requirement will not impact the current workload. Although with the additional responsibility of the performance measurement reports starting in FY 04, LPRIC may be required to reallocate staff resources.

All Budgeted State Agencies

The bill requires all budgeted state agencies to comply with the performance measurement program and schedule that OPM must establish. In particular, each budgeted state agency must develop a biennial strategic plan and prepare an annual report on programs, services and state grants. Agencies should be able to meet these requirements within existing resources.

The bill makes other technical changes that have no fiscal impact.

OLR Bill Analysis

sSB 731

AN ACT CONCERNING GOVERNMENT PERFORMANCE MEASUREMENT AND INTERAGENCY COORDINATION.

SUMMARY:

This bill requires each budgeted state agency to develop a biennial strategic business plan under a performance measurement program and schedule that the Office of Policy and Management (OPM) secretary must establish. It requires agencies to prepare an annual report on programs, services, and state grants. The Legislative Program Review and Investigations Committee (LPRIC) must analyze and comment on the annual reports, as well as on agency performance and benchmark data, and forward reports from OPM to other legislative committees, along with its comments. The auditors of public accounts must check for compliance with the bill's strategic business plan requirements when conducting their agency audits.

The bill also requires OPM to study, develop a plan for, and report on interagency coordination and performance measures.

Finally, it repeals the Connecticut Sunset Law.

EFFECTIVE DATE: July 1, 2001

STRATEGIC BUSINESS PLANS

Under the program for measuring agency performance, the OPM secretary must assure that each agency's strategic business plan:

- 1. identifies the Connecticut Progress Council's relevant benchmarks and includes goals, objectives, and performance measures for each program, service, and state grant it administers or provides; and
- 2. addresses the performance information needs for the goals, objectives, and performance measures the Appropriations and

Government Administration and Elections (GAE) committees and the appropriate committees of cognizance identify.

OPM must also assure that each agency (1) collects the appropriate data for inclusion in the plan and (2) prepares an annual report on its programs, services, and state grants that analyzes the performance measurement and benchmark data from its strategic business plan. Beginning September 1, 2003, the agency must submit each annual report to LPRIC and GAE. OPM must also assure that LPRIC, Appropriations, GAE, and the committees of cognizance have access to the data.

By December 28, 2001, OPM must develop a schedule by which agencies must adopt their biennial plans. At least 20% of state agencies must develop plans by July 1, 2003; with all agencies phased in by July 1, 2006.

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The bill adds to LPRIC's duties by requiring it to:

- 1. analyze and comment on the agencies' annual reports;
- 2. analyze and comment on the performance measurement and benchmark data; and
- 3. forward (by January each year beginning in 2004) the reports and data it receives from OPM with its comments to Appropriations, GAE, and the appropriate committee of cognizance for each agency.

AUDITORS OF PUBLIC ACCOUNTS

In connection with regular agency audits, the auditors must also determine whether an agency's strategic business plan is current and complete, with reliable and valid data.

INTERAGENCY COORDINATION

The bill requires OPM to study the coordination of planning and program activities among executive branch agencies and how it can be improved. It must establish and implement an improvement plan. By January 1, 2002, and biennially thereafter, it must report to GAE on existing coordination and performance measurement efforts with suggestions for improvement, and on the coordination plan implementation and its coordination measures.

SUNSET LAW

The bill repeals the legislative review process, known as "sunset," established in 1977 as part of a state government reorganization. Under its provisions, licensing, regulatory, and other state agencies and programs are reviewed and terminated unless the General Assembly takes action to modify, combine, or continue them. The next five-year round of sunset reviews is scheduled to begin before terminations set for July 1, 2003.

BACKGROUND

Current Performance Measurements

The Connecticut Progress Council must develop a long-range vision for the state and establish benchmarks to measure progress toward achieving it. Biennially, the council submits the benchmarks to OPM and the General Assembly for use in developing and reviewing the state budget (CGS § 4-67r).

OPM, in consultation with state agencies, must develop biennial goals and objectives and quantifiable outcome measures for every agency program, service, and grant and annually submit a report concerning such matters to the legislature. OPM must include an evaluation of the progress of budgeted agencies in achieving benchmarks established by the progress council (CGS § 4-67m).

The governor's biennial budget request must include, among other things, information on state agency programs, resources, objectives, and performance measures (CGS § 4-73).

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Related Bill

On January 31, 2001, the GAE Committee gave a favorable report to sSB 730 (File No. 5), which delays the existing schedule for sunset review for five years.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute Yea 17 Nay 0